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Group Art Unit: 3626

Re: Application No. 09/801,298

See the attached Appeal Brief

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on March 8, 2007.

Susan J. Sidwell Susan J. Sidwell

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	09/801,298
Filing Date:	March 7, 2001
Applicant:	Michael J. Mahoney, et al.
Group Art Unit:	3626
Examiner:	V. Frenel
Title:	COMPUTER-IMPLEMENTED VEHICLE REPAIR CLAIMS PROCESSING SYSTEM

Attorney Docket: 705441US1

CERTIFICATE OF FACSIMLE TRANSMISSION (37 CFR 1.8)

Date of transmission: 3/8/07. **I hereby certify that this Appeal Brief is being facsimile transmitted to the United States Patent and Trademark Office at fax number 571-273-8300 on the date indicated above.**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Further to the Notice of Appeal (reinstated) filed January 16, 2007, applicants submit the following Appeal Brief. Applicants previously submitted the $500 fee for the appeal brief with its appeal brief submitted on July 25, 2006. Accordingly, Applicants believe that no additional charges are required. However, the Commissioner is authorized to charge any additional fees required to Deposit Account No. 03-1800.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST

The real party in interest is DaimlerChrysler Corporation, having a place of business at 800 Chrysler Drive East, Auburn Hills, Michigan 48326 (hereinafter "DCC"). An assignment was recorded in the U.S. Patent and Trademark Office on June 11, 2001 at Reel/Frame: 011651/0808.

II. RELATED APPEALS AND INTERFERENCES

An appeal is pending in USSN 09/800,697 for a Computer Implemented Vehicle Repair Claims Rules Generator. There are no other appeals or interferences related to the present appeal.

III. STATUS OF CLAIMS

Claims 1 – 18 are pending in this application. Claims 1 – 18 stand rejected in the Official Action mailed October 19, 2006. This Official Action reopened prosecution in response to the Appeal Brief filed July 26, 2006. The claims on appeal are set out in the Claims Appendix.

IV. STATUS OF AMENDMENTS

There have been no amendments submitted subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Applicants' invention as claimed in independent claims 1 and 10 is generally directed to a computer-implemented claim processing method (claim 1) and system (claim 10). With reference to the specification, independent claim 1 requires:

A computer-implemented vehicle repair claim processing method having a computer system [computer networked system 34 (Fig. 1), Specification p. 4, lines 2-3] comprising the steps of:

receiving with the computer system repair claim data related to repair of a vehicle [Specification p. 4, lines 8 – 14]

having the computer system determine at least one response to the input repair claim data based upon the received input repair claim data by using expert rules stored in a knowledge based system of the computer system [Knowledge based expert system 34 (Fig. 1); warranty rules engine 38 (Fig. 1); Specification, p. 5, lines 15 - 16; 19 - 20; p. 6, lines 15 - 17]

said repair claim expert rules including repair claim-related premises and repair claim-related actions [e.g., rule LB7 shown by reference number 200 in Fig. 3; Specification, p. 2, lines 20, 21; p. 9, lines 21, 22], wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on said preselected repair claim-related action [Specification, p. line 20 – p. 3, line 2; p. 4, lines 3 – 6; p. 5, lines 19 - 20], and

having the computer system make said expert rules accessible by a user in a high level computer expression format [Specification, p. 6, lines 6 – 11].

With reference to the specification, independent claim 10 requires:

A computer-implemented vehicle repair claim processing apparatus, comprising [computer networked system 34 (Fig. 1), Specification p. 4, lines 2 - 3]:

a computer system having an input for receiving repair claim data related to repair of a vehicle [e.g., batch claims driver software module 50 (Fig. 1) or interface software 52 (Fig. 1); Specification, p. 4, lines 8 – 14];

claim expert rules stored in a knowledge base of the computer system that the computer system uses to determine at least one response to the input repair claim data based upon the received input repair claim data [warranty rules engine 38, knowledge base system 34 (Fig. 1); Specification, p. 5, lines 15 - 16; 19 - 20; p. 6, lines 15 - 17,

said repair claim expert rules including repair claim-related premises and repair claim-related actions [e.g., rule LB7 shown by reference number 200 in Fig. 3; Specification, p. 2, lines 20, 21; p. 9, lines 21, 22], wherein at least one of the repair claim-related premises uses the received repair claim data to determine whether a preselected repair claim-related action should be executed [Specification, p. 2 lines 21 – 23, p. 4, lines 3 – 6; p. 5, lines 19 - 20];

said preselected repair claim-related action being used by the computer system to generate a repair claim-related response [Specification, p. 3, lines 1 – 2],

said expert rules being accessible by an user in a high level computer expression format [Specification, p. 6, lines 6 – 11].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues in this appeal are:

Whether the Examiner erred in rejecting claims 1 – 18 under 35 U.S.C. § 103(a) as being unpatentable over Abdel-Malek et al. (U.S. Pat. No. 6,959,235) in view of Sampath et al. (U.S. Pat. No. 6,892,317)

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VII. ARGUMENT

The Examiner erred in rejecting claims 1 – 18 under 35 U.S.C. § 103(a).

Applicants submit that the Examiner erred in rejecting claims 1 – 18 under 35 U.S.C. § 103(a) as being unpatentable over Abdel-Malek et al. (U.S. Pat. No. 6,959,235) ("Abdel-Malek") in view of Sampath et al. (U.S. Pat. No. 6,892,317) ("Sampath"). Claims 1 and 10 are the independent claims. In rejecting claim 1, the Examiner takes the position:

> As per claim 1, Abdel-Malek discloses a computer-implemented vehicle repair claim processing method having a computer system, comprising the steps of: receiving with the computer system repair claim data related to repair of a vehicle (See Abdel-Malek, col. 19, lines 1 – 18); having the computer system determine at least one response to the input repair claim data based upon the received input repair claim data by using expert rules stored in a knowledge based system of a computer system (See Abdel-Malek, col. 21, lines 8 – 52), having the computer make said expert rules being accessible by a user in a high level computer expression format (See Abdel-Malek, Col. 5, lines 4 – 10).
>
> Abdel-Malek does not explicitly disclose said repair claim expert rules including repair claim-related premises and repair claim related actions, wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on said preselected repair claim-related action.
>
> However, these features are known in the art, as evidenced by Sampath. In particular, Sampath suggests said repair claim expert rules including repair claim-related premises and repair claim related actions, wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on said preselected repair claim-related action.

The Examiner takes a similar position in rejecting claim 10.

Claim 1 is directed to a computer-implemented vehicle repair claim processing method. Claim 10 is directed to a computer-implemented vehicle repair claim processing apparatus. Contrary to the Examiner's position, applicants submit that neither Abdel-Malek nor Sampath disclose a repair claim processing method or a repair claim processing apparatus. Rather, Abdel-Malek is directed to a diagnosis repair recommendations system and Sampath is directed to real time-failure prediction and diagnoses of electronic systems operating in a network environment. In other words, Abdel-Malek and Sampath are each directed to diagnosing faults

and determining what repair needs to be made, not to processing a repair claim. A repair claim, such as a warranty claim, is a claim by a repair facility, such as a vehicle dealer, to be paid for repair work, or to have the repair work pre-approved for payment, such as under warranty. As such, Abdel-Malek lacks a number of the limitations of claims 1 and 10 as does Sampath.

Claims 1 and 10 each require that the computer system receive repair claim data related to repair of a vehicle. They each require that the computer system use expert rules stored in a knowledge based system to determine at least one response to the input repair claim data based upon the received input repair claim data where the computer system uses at least one repair claim-related premise to determine whether a preselected repair claim-related action should be executed based on received repair claim data. They also each require that the computer system generates a claim-related response based on the preselected repair claim-related action. The Examiner cites Abdel-Malek, col. 19, as disclosing a computer-implemented vehicle repair claim processing method having a computer system that receives repair claim data related to repair of a vehicle. The Examiner cites Abdel-Malek col. 21, lines 8 – 52 as disclosing that the computer system determines at least one response to the input repair claim data based upon the received input repair claim data based upon the received input repair claim data by using expert rules stored in a knowledge based system of the computer system. The Examiner cites Abdel-Malek col. 5, lines 4 – 10 as disclosing the computer system making the expert rules accessible by a user in a high level computer expression format.

But what Col. 19, lines 1 – 18 of Abdel-Malek addresses is a repair recommendation, not a repair claim. Similarly, what col. 21, lines 8 – 52 of Abdel-Malek addresses are the repair steps of the repair recommendation, and not a repair claim. And as to repair claims, all Abdel-Malek discloses is that its system can provide access to warranty information and submit warranty claims.

> A warranty information module 62 allows access to applicable locomotive warranty documents. By entering a locomotive identification number, personnel can view all warranty information about that locomotive and its components. Warranty claims can also be submitted and tracked via the warranty information module.

Abdel-Malek system's is thus a submitter of a warranty claim to some type of warranty claims processor, not the processor of the warranty claims. Thus, Abdel-Malek first of all is not directed to a repair claim processing method or apparatus. Abdel-Malek further lacks the limitations of claims 1 and 10 that require that the computer system receive repair claim data related to repair of a vehicle, that the computer system use expert rules stored in a knowledge

based system to determine at least one response to the input repair claim data based upon the received input repair claim data where the computer system uses at least one repair claim-related premise to determine whether a preselected repair claim-related action should be executed based on received repair claim data, and that the computer system generates a claim-related response based on the preselected repair claim-related action.

With regard to col. 5, lines 4 – 10 of Abdel-Malek, it discloses that from a portable unit 14 a technician has access to repair resources such as repair manuals, and that special software tools related to the repair task are also available at the portable unit as transmitted from a diagnostic service center 20. But repair resources such as diagnostic manuals and special software tools related to a repair task are not expert rules used to determine a response to repair claim data. And making a repair manual or special software related to a repair task available does not disclose making expert rules accessible in a high level computer expression format. Applicants submit that Abdel-Malek thus fails to disclose the limitations of claims 1 and 10 that require that the computer system make the expert rules accessible by a user at all, let alone in a high level computer expression format.

Acknowledging that Abdel-Malek does not explicitly disclose the repair claim expert rules including repair claim-related premises and repair claim related actions, wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on the preselected repair claim-related action, the Examiner takes the position that these features are disclosed by Sampath, citing col. 8, line 48 to col. 9, line 3 of Sampath. But what this section of Sampath addresses is processing an action request for service, not processing a repair claim, as is made clear from the section of Sampath preceding the section cited by the Examiner.

> Once the analysis of the electronic system is performed, the repair planning circuit 165 determines an appropriate action in response to the received status information. Having determined an appropriate action, the routing circuit 160, in cooperation with the controller 120 and the I/O interface 130, routes the action request to the appropriate service, repair, and/or parts/consumable supplier, or to an autonomous repair agent. [Sampath, col. 6, lines 58 – 65]
>
> * * *
>
> Having determined an appropriate action request, the diagnostic server 100 forwards the action request to the appropriate service and/or parts/consumables supplier and/or to the device itself via link 50 and the network 25. The appropriate

> service and/or parts/consumables supplier then either schedules a service and/or ships a part based on the received action request. In the case of autonomous repair, the autonomous repair agent 175 performs the necessary repair action. In addition, the repair action taken may be logged in the database 170. [Sampath, col. 7, lines 36 – 45]

In fact, col. 3, lines 11 – 16 of Sampath that the Examiner also cites shows that Sampath is addressing a request for a service action, not the processing of a repair claim. This section reads:

> The diagnostic systems and methods of this invention use a combination of single device monitoring data, population data, and feedback information to determine an appropriate action in response to status information received from the one or more electronic systems. Specifically, based on one or more of an appropriate action determined by a diagnostic server, and the transmission of specific data types directly or indirectly to one or more of a service provider and/or parts/consumables supplier, **the appropriate assistance, repair, parts and/or supplies are provided to the electronic system(s) which is predicted to fail, or has failed.** (Emphasis added)

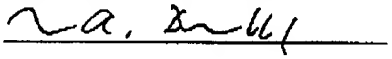
For these reasons, applicants submit that claims 1 and 10 are allowable of Abdel-Malek in view of Sampath.

The remaining claims, claims 2 – 9 and 11 – 18, depend directly or indirectly from one of claims 1 and 10, and are allowable for at least that reason.

Conclusion

In conclusion, for the reasons discussed above, Applicants submit that the rejections of claims 1 – 18 under 35 U.S.C. § 103(a) are in error. Applicants respectfully request reversal of these rejections.

Respectfully submitted,



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Dated: March 8, 2007

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VIII. CLAIMS APPENDIX

1. A computer-implemented vehicle repair claim processing method having a computer system, comprising the steps of:

receiving with the computer system repair claim data related to repair of a vehicle;

having the computer system determine at least one response to the input repair claim data based upon the received input repair claim data by using expert rules stored in a knowledge based system of the computer system,

said repair claim expert rules including repair claim-related premises and repair claim-related actions, wherein the computer system uses at least one of the repair claim-related premises to determine whether a preselected repair claim-related action should be executed based on the received repair claim data and generates a claim-related response based on said preselected repair claim-related action , and

having the computer system make said expert rules accessible by a user in a high level computer expression format.

2. The method of claim 1 wherein the repair claim data includes dealer involved in the repair, vehicle identification number of the vehicle to be repaired, parts involved in the repair, and labor operation data.

3. The method of claim 1 further comprising the steps of:

having the computer system access a database to retrieve information related to the vehicle to be repaired.

4. The method of claim 1 further comprising the steps of:

having the computer system evaluate a repair claim by using a plurality of repair claim-related expert rules to evaluate a repair claim;

having the computer system determine that at least one of the rules requires additional data related to the repair;

having the computer system access a database to retrieve the additional data.

5. The method of claim 1 wherein the repair claim data includes dealer involved in the repair, vehicle identification number of the vehicle to be repaired, parts involved in the repair, and labor operation data,

said labor operation data being indicative of the labor involved in the repair,

said method further comprising the steps of:

having the computer system use a plurality of repair claim-related expert rules to evaluate a repair claim;

having the computer system determine via the repair claim-related expert rules that an inconsistency exists based upon the data regarding parts involved in the repair and based upon the labor operation data.

6. The method of claim 5 wherein the repair claim data includes warranty data related to the repair, said method further comprising the steps of:

having the computer system use the plurality of repair claim-related expert rules to evaluate the warranty data related to the repair; and

having the computer system provide a response to a user that is indicative of whether the repair is covered by warranty based upon evaluation by the repair claim-related expert rules.

7. The method of claim 1 further comprising the steps of:

having the computer system use a lower level representation of the repair claim-related expert rules when the at least one of the repair claim-related premises uses the received repair claim data to determine whether a preselected repair claim-related action should be executed; and

having the computer system display to the user the high level computer expression format of the repair claim-related expert rules.

8. The method of claim 7 wherein the high level computer expression format of the repair claim-related rule is an English phrase, wherein the lower level representation of the repair claim-related rule is at least one line of programming code.

9. The method of claim 8 wherein the programming code is C++ programming

code.

10. A computer-implemented vehicle repair claim processing apparatus, comprising:

a computer system having an input for receiving repair claim data related to repair of a vehicle;

claim expert rules stored in a knowledge base of the computer system that the computer system uses to determine at least one response to the input repair claim data based upon the received input repair claim data,

said repair claim expert rules including repair claim-related premises and repair claim-related actions, wherein at least one of the repair claim-related premises uses the received repair claim data to determine whether a preselected repair claim-related action should be executed;

said preselected repair claim-related action being used by the computer system to generate a repair claim-related response,

said expert rules being accessible by an user in a high level computer expression format.

11. The apparatus of claim 10 wherein the repair claim data includes dealer involved in the repair, vehicle identification number of the vehicle to be repaired, parts involved in the repair, and labor operation data.

12. The apparatus of claim 10 further comprising:

a database from which the computer system retrieves information related to the vehicle to be repaired.

13. The apparatus of claim 10 wherein the computer system uses a plurality of repair claim-related expert rules evaluate a repair claim;

wherein at least one of the rules requires additional data related to the repair to evaluate the repair claim;

wherein the computer system retrieves the additional data from a database.

14. The apparatus of claim 10 wherein the repair claim data includes dealer involved in the repair, vehicle identification number of the vehicle to be repaired, parts involved in the repair, and labor operation data,

said labor operation data being indicative of the labor involved in the repair,

wherein the computer system uses a plurality of repair claim-related expert rules, the data regarding parts involved in the repair and the labor operation data to evaluate a repair claim to

determine whether an inconsistency exists.

15. The apparatus of claim 14 wherein the repair claim data includes warranty data related to the repair, wherein the computer system uses the plurality of repair claim-related expert rules to evaluate the warranty data related to the repair; and

wherein the computer system provides a response to a user that is indicative of whether the repair is covered by warranty based upon the computer's evaluation using the repair claim-related expert rules.

16. The apparatus of claim 10 wherein the computer uses a lower level representation of the repair claim-related expert rules when the at least one of the repair claim-related premises uses the received repair claim data to determine whether a preselected repair claim-related action should be executed; and

wherein a computer terminal displays to a user the high level computer expression format of the repair claim-related expert rules.

17. The apparatus of claim 16 wherein the high level computer expression format of the repair claim-related rule is an English phrase and the lower level representation of the repair claim-related rule is at least one line of programming code.

18. The apparatus of claim 17 wherein the programming code is C++ programming code.

IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None